

Serial No. 09/980,466
Response Dated January 26, 2010
Reply to Office Action of December 28, 2010

REMARKS

The Examiner mailed an Office Action dated December 28, 2009 to the Applicant. In the Office Action, the amendment filed on November 11, 2009 was considered non-compliant. Specifically, Claim 72 was not identified as “previously presented”. The Applicant hereby resubmits the amendment of November 11, 2009 along with Claim 72 identified as “previously presented”.

The Applicant elects Group I, Claims 17-33, 37-40, 50-58, 67-72, 88, 89, and 92, drawn to a transfer with traverse for reasons stated below. Non-elected claims 34-36, 59-61, 41-49, 62-66, 73-87, 90, 91, 93-111 are hereby withdrawn without prejudice. Therefore, the Applicant submits that based upon the amendments and remarks, Claims 17-33, 37-40, 50-58, 67-72, 88, 89, and 92 are in condition for allowance.

ELECTION/RESTRICTION

In the present Office Action, the Examiner has required a restriction to one of the following Groups:

- I. Claims 17-33, 37-40, 50-58, 67-72, 88, 89, and 92, drawn to a transfer
- II. Claims 34-36, 59-61, drawn to a method of making
- III. Claims 41-49, 62-66, 73-87, 90, 91, and 93-111, drawn to a method of transferring

In response, the Applicant hereby elects Group I, 17-33, 37-40, 50-58, 67-72, 88, 89, and 92, drawn to a transfer, with transverse. The Applicant believes that the Examiner has not made a

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prima facie showing of a serious burden placed upon the Examiner to include Groups I-III in the present application. Specifically, a search of Group I, claims 17-33, 37-40, 50-58, 67-72, 88, 89, and 92, will almost certainly include a search of independent Claims 34 and 59 (Group II). A search of Group II, Claims 34-36, 59-61, will almost certainly include a search of independent Claims 41, 62, 73, 91, and 93. Moreover, Groups I-III do not have a separate status in the art or require a different field of search. Thus, there is no serious burden placed upon the Examiner in searching Groups I-III together and therefore the Applicant submits there should be no requirement for restriction and/or an election.

CONCLUSION

Accordingly, based upon the Remarks above, Applicant hereby elects Group I, Claims 17-33, 37-40, 50-58, 67-72, 88, 89, and 92, with traverse for reasons stated above. Corresponding action is respectfully solicited.

In the Office Action, the amendment filed on November 11, 2009 was considered non-compliant. Specifically, Claim 72 was not identified as “previously presented”. The Applicant hereby resubmits the amendment of November 11, 2009 along with Claim 72 identified as “previously presented”.

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The Director is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our Deposit Account Number 02-0900.

Respectfully submitted,

/daniel j. holmander/

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